



*J. F. H. A. S.*

PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0010-12000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Larsen *et al.* ) Group Art Unit: 1646  
)  
Application No.: 09/935,144 ) Examiner: Xiaozhen Xie  
)  
Filed: August 21, 2001 ) Confirmation No.: 9733  
)  
For: NOVEL P-SELECTIN LIGAND )  
PROTEIN )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT—PRE-GRANT**

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 680 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

Applicant received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on March 5, 2008, advising that this application is entitled to 292 days of patent term adjustment.

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Applicant has calculated a patent term adjustment of 680 days based on the following facts under the rules for three year pendency:

The above-identified application was filed August 21, 2001, and the date that is three years from this filing date is August 21, 2004.

Applicants responded on May 20, 2004, to a restriction requirement mailed February 18, 2004, resulting in two days of Applicant delay.

Applicants responded on January 7, 2005, to an Office Action mailed August 10, 2004, resulting in 58 days of Applicant delay.

Applicants filed a Notice of Appeal on February 28, 2006, in response to a final Office Action mailed August 28, 2005, resulting in 91 days of Applicant delay.

The Office mailed an Office Action on October 4, 2006, 218 days after Applicants filed the February 28, 2006, Notice of Appeal.

Applicants responded to the October 4, 2006, Office Action on March 30, 2007, resulting in 85 days of Applicant delay.

Applicants filed a Request for Continued Examination on December 28, 2007, in response to a final Office Action mailed June 29, 2007, resulting in 90 days of Applicant delay.

Thus, the total patent term adjustment based on three year pendency is 680 days, which represents the number of days between August 21, 2004, the three year anniversary of the filing date, minus the 326 days attributable to Applicant, and the 218 days between the filing of the Notice of Appeal on February 28, 2008, and the issuance of the Office Action on October 4, 2006. Applicant respectfully requests that the current patent term adjustment be reconsidered.

#### **B. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

**C. Reasonable Efforts**

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

**II. Fee**


As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to Deposit Account 06-0916.

If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 20, 2008

By:   
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